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21
22 IN THE UNITED STATES DISTRICT COURT
23
24 FOR THE DISTRICT OF ARIZONA

25 United States of America,
26 Plaintiff,
27 vs.
28 1. Samuel Rappylee Bateman,
1. Naomi Bistline,
1. Donnae Barlow, and
1. Moretta Rose Johnson,
1. Defendants.

20 No. CR-22-08092-PCT-DGC

21 **MOTION TO TRANSFER CASE**

22
23 United States of America,
24 Plaintiff,
25 vs.
26 Josephine Barlow Bistline,
27 a.k.a. Jomie B,
28 Defendant.

20 No. CR-23-00517-PHX-DLR

1 On September 6, 2022, Samuel Rappylee Bateman (“Bateman”) was indicted on
2 one count of destruction of records in an official proceeding, one count of tampering with
3 an official proceeding, and one count of destruction of records in a federal investigation.
4 On December 14, 2022, the grand jury returned a superseding indictment charging
5 Bateman and three of his adult wives, Naomi Bistline, Donnae Barlow, and Moretta Rose
6 Johnson, with tampering with an official proceeding, conspiracy to tamper with an official
7 proceeding, kidnapping, and conspiracy to kidnap. That case is assigned to the Honorable
8 David G. Campbell in case number CR-22-08092-PCT-DGC.

9 On April 4, 2023, a grand jury returned an indictment charging Josephine Barlow
10 Bistline, a.k.a. Jomie B, who is also believed to be one of Bateman’s wives, with one count
11 of interstate communications involving a threat and one count of cyberstalking. That case
12 was assigned to the Honorable Douglas L. Rayes in case number No. CR-23-00517-PHX-
13 DLR. The United States filed a Notice of Related Case in this case (Doc. 14), but it was
14 randomly assigned to a different district court judge than the CR-22-08092-PCT-DGC
15 case.

16 While these cases charge crimes committed on separate dates, the underlying events
17 are intertwined. Furthermore, additional pending federal investigation involves the five
18 currently-charged individuals and others. The discovery in these cases is also essentially
19 identical. The trial date in CR-22-8042-PCT-DGC has been set for March 2024. The initial
20 trial setting in CR-23-00517-PHX-DLR has been set for May 23, 2023. Upon information
21 and belief, none of the defendants are ready to proceed to trial at this time.

22 Accordingly, the United States respectfully moves to transfer the more recently-
23 filed case (CR-23-00517-PHX-DLR) to Judge Campbell, assigned in the older case (CR-
24 22-08042-PCT-DGC). Such a transfer is authorized by Local Rule of Criminal Procedure
25 5.2 and Local Rule of Civil Procedure 42.1(a) because both matters arise from substantially
26 the same transactions or events, and because assignment to a different district court judge
27 would otherwise entail substantial duplication of labor. Further, “a motion to transfer
28 pursuant to subparagraph (a) . . . must identify all the cases that are the subject of the motion

1 by case name and case number . . . if movant is a party in more than one of the affected
2 cases, the movant must file the motion in the case with the lowest case number in which
3 movant is a party.” L.R. Civ. P. 42.1(b)

4 Undersigned counsel has contacted Mark Paige, defense counsel for defendant
5 Josephine Barlow Bistline a.k.a. Jomie B, and he objects to this request.

6 Excludable delay under 18 U.S.C. § 3161(h) may occur as a result of this motion or
7 an order based thereon.

8 Respectfully submitted this 11th day of April, 2023.

9 GARY M. RESTAINO
10 United States Attorney
District of Arizona

11 s/ Dimitra H. Sampson
12 DIMITRA H. SAMPSON
13 JILLIAN BESANCON
14 LINDSAY L. SHORT
15 Assistant U.S. Attorney

16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on this same date, I electronically transmitted the attached
18 document to the Clerk's Office using the CM/ECF System for filing a copy to the following
19 CM/ECF registrant:
20

21 Attorneys for the defendants in CR-22-8092-PCT-DGC

22 Mark Paige, attorney for defendant Josephine Barlow Bistline in No. CR-23-00517-PHX-
23 DLR

24 s/Keona L. Ross
25 U.S. Attorney's Office